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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,333	04/24/2000	David Stanard	3849US	7617

7590

09/21/2005

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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/556,333	Applicant(s) STANARD, DAVID	
	Examiner Jamara A. Franklin	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-23 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-23, and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment is made of the appeal brief filed on 7/26/05. A new non-final rejection has been made. Claims 1-6, 8-23, and 29-36 are currently pending.

Claim Objections

1. Claims 1, 2, and 5 are objected to because of the following informalities:
 - in claim 1, line 7, substitute the second occurrence “a” with --the--;
 - in claim 1, line 7, substitute “authentication” with --authenticating--;
 - in claim 1, line 9, substitute the first occurrence of “a” with --the--;
 - in claim 1, line 11, substitute “a” with --the--;
 - in claim 1, line 12, substitute “an” with --the--;
 - in claim 1, line 10, insert --and-- between “customer” and “independent”;
 - in claim 2, line 2, substitute the second occurrence of “a” with --the--;
 - in claim 2, line 7, substitute “capable of accessing” with --accesses--;
 - in claim 2, line 9, substitute “capable of” with --generates--;
 - in claim 5, line 6, substitute “is capable of accessing” with --accesses--; and
 - in claim 5, line 8, substitute “capable of” with --generates--.

The usage of the clause “capable of” suggests a certain ambiguity of the function of the element which is described by “capable of”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6, 8-16, and 29-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 2, 5, 29, and therefore, dependent claims 3, 4, 6, 8-16, and 30-36, fail to distinctly teach a customer-selected device/printer remote from the customer and how a ticket is transmitted independent of a ticket printing authorization. Furthermore, no support is found in the specifications disclosing that ticket transmitting is performed without command or instruct from a ticket printing authorization. Also, no support is found for ticket printing authorization.

Furthermore, no support is found within the specification to support the claim of a customer-**selected** (emphasis added) device remote from the customer. How is the customer **selecting** the device/printer remote from himself? Where is the support in the specifications that teach a customer **selecting** the device/printer remote from himself?

For examination purposes, however, the ticket transmitted independent of a ticket printing authorization will be examined. Also, the customer-selected device/printer remote from the customer will be interpreted to mean any device/printer that the customer has decided to use. In making a decision to use a particular device/printer the customer has then selected to use that device/printer.

Appropriate correction of clarification is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 8, 10, and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berson (US 5,598,477).

Berson teaches a system for providing evidence of payment by a customer, the system comprising:

a system for managing at least one database (reservation system 16), said database containing information relating to an available event for which an authentic ticket is used for entry, wherein said system assigns a unique indicia (two dimensional barcode) which establishes the validity of the ticket (col. 3, lines 21-31 and col. 3, lines 52-60);

a system (data processing system 12-1) for creating a ticket containing said unique indicia for authenticating the ticket associated with the event; and

means for transmitting a ticket (ticket 22) to a customer-selectable device (local printing system 20) independent of ticket printing authorization from the system for creating a ticket, the ticket including venue information and the authenticating indicia for providing an authentic ticket permitting entry of the purchaser to the event (col. 3, lines 41-49);

the system wherein the unique indicia is embedded in a barcode (col. 3, lines 55-60);

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the system further including means for accepting and verifying payment by the purchaser prior to assigning the unique indicia (col. 4, lines 58-61);

the system wherein said ticketing system generates a digital signature on each ticket (col. 3, lines 66-67);

Berson lacks the teaching of the customer-selectable device remote from the customer.

The examiner submits that although Berson teaches a “local” printing system 20, the printing system may just as readily become a “remote” printing system in an instance where the purchaser is not positioned immediately within the vicinity of the printing system.

One of ordinary skill in the art would have readily recognized that the printing system being remote from the purchaser would have been beneficial for giving the purchaser a choice of the location of ticket printing, thereby providing the purchaser flexibility with using the system. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Berson with a remote customer-selectable device remote from the customer.

6. Claims 2-6, 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berson in view of Webber et al. (US 5,021,953) (hereinafter referred to as ‘Webber’).

The teachings of Berson have been discussed above.

Berson lacks the teaching of a customer database individual of a venue database and ticketing database.

Webber teaches a system providing tickets for a venue comprising:

a customer database (traveler file 22);

a venue database (tariff file 20); and

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a ticketing database (airline reservation system 30).

One of ordinary skill in the art would have readily recognized that providing the Berson invention with individual databases which each contain a different group of data would have been beneficial for organizing the data in a manner that would ensure that other databases would continue to function properly and hold data in the event that one database malfunctions. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Berson with the aforementioned teachings of Webber.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berson in view of Kara (US 6,505,179).

The teachings of Berson have been discussed above.

Berson lacks the teaching of the ticket identifying a specific seat at the event.

Kara teaches a system wherein a ticket identifies a specific seat at an event (see figure 2).

One of ordinary skill in the art would have readily recognized that identifying the specific seat on the ticket would have been beneficial for allowing the ticket to visually hold all data which may be pertinent to the holder of the ticket, thereby eliminating any confusion or unawareness that could be associated with attending the event. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Berson with the aforementioned teaching of Kara.

8. Claims 11, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berson/Webber as applied to claims 2 and 5 above, and further in view of Kara.

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The teachings of Berson/Webber have been discussed above.

Berson/Webber lack the teaching of the ticket identifying a specific seat at the event.

The teachings of Kara have been discussed above.

Again, one of ordinary skill in the art would have readily recognized that identifying the specific seat on the ticket would have been beneficial for allowing the ticket to visually hold all data which may be pertinent to the holder of the ticket, thereby eliminating any confusion or unawareness that could be associated with attending the event. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Berson with the aforementioned teaching of Kara.

9. Claims 29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berson/Webber as applied to claims 2 and 5 above, and further in view of Rosen (US 6,336,095).

Berson/Webber lack the teaching whereby the ticket is useable by a ticket bearer without regard to the particular customer to which the particular seat is bound.

Rosen teaches a system wherein a ticket is purchased via a desktop owner and transferred to another party (col. 26, lines 1-7).

One of ordinary skill in the art would have readily recognized that the convenience of being able to transfer a ticket is beneficial since, in this manner, ownership of a ticket may change hands in the wake of an instance where the purchaser can not use the ticket. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Berson/Webber with the transferable ticket as taught by Rosen to guarantee that the ticket will be put to use by someone.

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Response to Arguments

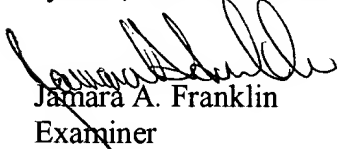
10. Applicant's arguments with respect to claims 1-6, 8-23, and 29-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jamara A. Franklin
Examiner
Art Unit 2876

JAF
September 14, 2005


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SUPERVISORY PATENT EXAMINER
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